

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

HAROLD J. BARKLEY, JR., A CHAPTER 13  
TRUSTEE FOR THE SOUTHERN DISTRICT OF  
MISSISSIPPI, AND LOCK BARKLEY, A  
CHAPTER 13 TRUSTEE FOR THE NORTHERN  
DISTRICT OF MISSISSIPPI

PLAINTIFFS

VS.

CIVIL ACTION NO.: 3:04-CV-286BN

FIRST FRANKLIN FINANCIAL CORP.,  
COREY G. SMITH, AND SUSAN STURGIS

DEFENDANTS

OPINION AND ORDER

This cause is before the Court on the Motion to Remand of Plaintiff, filed on May 13, 2004, under docket entry no. 4. The Court originally granted Plaintiff's Motion to Remand as unopposed in an Opinion and Order, filed on December 12, 2004, under docket entry no. 34 ("December 12 Order"). However, the Court, upon reconsidering the December 12 Order, reinstated Plaintiff's Motion to Remand in an Opinion and Order, filed on April 29, 2005, under docket entry no. 39 ("April 29 Order").

Pursuant to the April 29 Order, the parties to this action were ordered to complete remand-related discovery on or before June 5, 2005. Defendants were further ordered to file a response to Plaintiff's Motion to Remand within 30 days of the completion of this discovery. The June 5, 2005, remand-related discovery deadline has long since passed and Defendants have yet to file a response to

Plaintiff's Motion to Remand.<sup>1</sup>

Rule 7.2(C) (2) of the Uniform Local Rules of the United States District Courts for the Northern and Southern Districts of Mississippi provides that "[i]f a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed." Accordingly, pursuant to the authority granted this Court under Rule 7.2 (C) (2), the Court finds that the Motion to Remand is well taken and should be granted.

IT IS THEREFORE ORDERED that the Motion to Remand of Plaintiff [docket entry no. 4] is well taken and is hereby granted. The Clerk of the Court is directed to remand this matter to the Circuit Court of Copiah County, Mississippi.

SO ORDERED this the 1<sup>st</sup> day of February, 2006.

s/ William H. Barbour, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court also notes that Defendants have filed neither a motion to compel discovery nor a motion to extend the remand-related discovery deadline.

